

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Agricultural Marketing Department – AMC Service – Sri B.Sarabanna, Attender (Retd.) AMC Adoni, Kurnool District – Regularization of services in the category of Attender – Orders of Hon'ble APAT in OA No.4904/2013 dated 28.6.2013 - Implementation – Orders - Issued.

AGRICULTURAL MARKETING AND COOPERATION (AM.II) DEPARTMENT

G.O.Rt.No. 414

Dt:28 -06-2014.

Read the following:-

1. G.O.Ms.No.421, FA(Agri.IV) Dept., dt.3.10.1981
2. Proceedings of the Person-in-charge,AMC,Adoni Rc.No.2449/A3/83, dt.28.4.1984.
3. Proceedings of the Person-in-charge, AMC,Adoni, Rc.No. 8181/89-A. dt 22.7.1989.
4. G.O.Rt.No.372, A&C(AM.III) Dept., dt. 29.4.2005.
5. Hon'ble APAT orders dt. 28.6.2013 in OA No. 4904/2013.
6. From C&DoAM,AP.,Hyd. Lr.No. Estt.AMC(2)1124/2009, dt.2.9.2013.
7. Judgment of Hon'ble High Court in WP No. 2463/2014 3.2.2014.
8. Contempt Application No.1523/2014 in OA No.4904/2013 in APAT..
9. From C&DoAM,AP.,Hyd.Lr.No. AMC(2)1124/20009, dt. 3.2.2014., dt.24.2.2014,dt. 13.3.2014, & dt.23.4.2014
10. SLP diarized No.13001/2014 filed by AMC,Atmakur in the Hon'ble Supreme Court of India.

@@@

ORDER:-

In the reference 2nd read above, the Person-in-charge, AMC, Adoni, has appointed Sri B.Sarabanna as Contingency employee and on completion of five years period he was appointed as full time contingent employee as Chowkidar vide reference 3rd read above. Government have issued orders for regularization of 11 contingent employees who are working in Agricultural Market Committees of Kurnool District in terms of G.O.Ms.No.212, Finance Department, dt. 22.4.1994 including Sri B.Sarabanna, vide G.O.4th read above with prospective effect. Sri B.Sarabanna, retired from service on 30.6.2012 on attaining the age of superannuation vide proceedings of the Chairman, AMC,Adoni dt.29.6.2012.

2. The Commissioner & Director of Agricultural Marketing has reported that, Sri B. Sarabanna, Attender(Retd) has filed O.A.No 4904/2013, in the Hon'ble A.P.A.T against the Proc.No.DC(1)2575/1995, Dt: 23-9-1999 in which regularization of his service has been cancelled and ordered to recover the amount already paid to him and also informed that Government vide its .O.Rt.No.109, dated 18-1-2013 has considered the case of Sri M.A.Jabbar for regularization of his services w.e.f. 1-3-1987.

3. The Hon'ble APAT in its orders dt 28.6.2013 in O.A.No 4904/2013, has set-aside the impugned proceedings issued by the 2nd respondent in proceedings No.DC(1) 2575/1995, dt 23.9.1999 and issued orders as follows:-

“ It may be true as we see the facts that the Selection Grade Secretary of the Agricultural Market Committee made some mischief After all the Applicants are not expected to know what transpired between the Government and the then Selection Grade Secretary. The fact remains that at the time of filing of O.A., the applicants put in more than (10) years of service. It may be true that there is no regular

procedure followed in giving regularization orders to the Applicants. After passage of (10) years time by the time of filing of the O.A., and now another (5) years, it will be in human and arbitrary to cancel the regularization order given to the Applicants who are running the age of 52 years, 36 years and 39 years respectively at the time of filing of the O.A. Considering all these aspects, exercising the principle of equality, justice and good conscience, which principle is already accepted by the Hon'ble Supreme Court, the O.A. is allowed setting – aside the impugned orders V.M.A is dismissed. No Costs.”

4. The Commissioner & Director of Agricultural Marketing has reported that, in a similar case earlier Sri MA Jabbar, filed OA No.7529/2006 and 3291/2008 in the Hon'ble APAT for restoration of his regularization of his service as Attender with effect from 1.3.1987 as per the earlier proceedings of the Chairman,AMC,Nandikotkur dated 5.6.1978 and against the proposed recovery of amount paid to him respectively.

5. The Hon'ble APAT have allowed the OAs 7529/2006 and 3291/2008 and observed that, there is no need to issue fresh regularization orders through G.O.Rt.No.372, dt 29.4.2005 and set-a-side G.O.Rt.No.372, A&C(AM.III) Dept., dated 29.4.2005 and consequential proceedings to the extent of applicant including the order of recovery through proceedings RC.No.AR 2005-06 dates 1.2.1008 in OA No.3291/2008 and upheld the applicant conversion to last grade service vide proceedings dated 5.6.1987.

6. The AMC, Atmakur filed Writ Petition Nos. 27141/2010 & 28052/2010 in the Hon'ble High Court against the orders of Hon'ble APAT, dt 2.3.2010. The WPMPs filed by the AMC,Atmakur to suspend the orders dt.2.3.2010 of Hon'ble APAT, the Hon'ble High Court have dismissed the said two WPMPs filed by AMC, Nadikotkur, vide its orders dt 9.11.2010 & 15.11.2010 respectively. The WPs are still pending in the Hon'ble High Court.. While the matter is under examination. Sri MA Jabbar, filed Contempt Application No.933/2012 in the Hon'ble APAT and it is pending.

7. The Commissioner & Director of Agricultural Marketing has reported that, the Hon'ble APAT orders dt.2.3.2010 in OA No.7529/2006 have been implemented subject to outcome of WPs pending in the Hon'ble High Court and accordingly the C&DoAM has been permitted vide G.O.Rt.No.109, A&C(AM.III) Dept., dt. 18.1.2013 to regularize the services of Sri MA Jabbar from 1.3.1987 as per the proceedings of AMC,Nandikotkur dt.1.8.1987 duly deleting the name of the individual from the list of NMRs who have been ordered to be regularization in G.O.Rt.No. 372, A&C(AM.III) Dept., dt. 29.4.2005.

8. The Commissioner & Director of Agricultural Marketing has filed WP Nos.2463/2014 in the Hon'ble High Court against the orders dt.28.6.2013 of APAT in OA No.4904/2013 which was dismissed by the Hon'ble High Court on 3.2.2014. Sri B.Sarabanna has filed CA No.1523/2014 in OA No.4904/2013 for non implementation of Hon'ble APAT Orders dt. 28.6.2013.

9. The Government have carefully considered and have decided to implement the Judgment of the Hon'ble APAT dt.28.6.2013 in OA No.4904/2013 and accordingly delete the name of Sri B.Sarabanna from the orders issued in G.O.Ms.No.372, A&C (AM.III)Dept.,dt.29.4.2005 and regularize the service of Sri B.Sarabanna, Attender(Retd.) AMC, Adoni, Kurnool with effect from 22.7.1989 as per the proceedings of the ,AMC Adoni in vide Roc No.818/89-A, dt.22.7.1989 duly deleting the name of the individual from the list of NMRs who have been ordered to be regularized in G.O.Rt.No.372, A&C(AM.III)Dept.,dt.29.4.2005, subject to disposal of WP Nos.27141/2010 & 28052/2010 in the Hon'ble High Court filed by AMC,Atmakur in the case of Sri M.A.Jabbar and also subject to SLP (diarized No.13001/2014) filed by AMC,Atmakur in the Hon'ble Supreme Court of India.

:: 3 ::

10. This order issues with the concurrence of Finance (PC.III) Department vide their U.O.No. 3919/35/A2/PC.III/2014, dt.22.2.2014

11. The Commissioner & Director of Agricultural Marketing,, AP.,Hyd. shall take further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR.D.SREENIVASULU,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner & Director of Agricultural Marketing, ,AP.,,Hyd.
The Learned Government Pleader AP Administrative Tribunal,,Hyd.
SC/SF

//forwarded by order//

SECTION OFFICER